

REMARKS

Favorable reconsideration is respectfully requested in light of the above amendments and the following comments. Withdrawn method claims 27-32 have been canceled to reduce the number of pending claims and moreover to reduce the potential issues for appeal. The withdrawn apparatus claims remain in the case because they depend from generic claims 1 and 16, respectively, and thus are subject to rejoinder once claims 1 and 16 are recognized as patentable. Claims 10-15 have been canceled to reduce the number of claims as well as to reduce the potential issues for appeal. Claim 1 has been amended to more particularly describe the invention by clarifying that each landing pad is fixedly secured to the second end of each filter tube. No new matter has been entered as a result of this amendment, as Figure 6 clearly shows that the landing pad is fixedly secured to the filter tube. Moreover, no new issues have been raised as the Examiner has already considered this issue. Thus, entry of this After-Final Amendment is respectfully requested.

Applicant respectfully traverses the Examiner's rejection of claims 1, 2, 5, 6, 10 and 11 under 35 U.S.C. §103(a) as unpatentable over Ravenscroft et al. (U.S. Patent No. 6,007,558) in view of Whitcher et al. (U.S. Patent No. 6,273,901). Claims 10 and 11 have been canceled, leaving claims 1, 2, 5 and 6 subject to this rejection. One of the requirements of a *prima facie* obviousness rejection is that the cited combination must disclose each and every claimed element. At a minimum, this requirement has not been met. Applicant does not concede that the other requirements, i.e., motivation to combine and reasonable expectation of success, have been met.

In particular, the Examiner relies upon Whitcher et al. to suggest inclusion of the claimed landing pad. While Figure 8 of Whitcher et al. may be considered as disclosing a structure that may be considered as being a landing pad, it is noted once again that the reference does not disclose a landing pad that is fixedly secured. This is a claimed element missing from the cited combination. Consequently, the *prima facie* obviousness rejection is flawed and should be withdrawn. Favorable reconsideration is respectfully requested.

Applicant respectfully traverses the Examiner's rejection of claims 8, 9, 14 and 15 under 35 U.S.C. §103(a) as unpatentable over Ravenscroft et al. (U.S. Patent No. 6,007,558) in view of Whitcher et al. (U.S. Patent No. 6,273,901) and further in view of Sabbaghian et al. (U.S. Patent No. 5,147,379). Claims 14 and 15 have been canceled, leaving claims 8 and 9 subject to this

rejection. Claim 1, from which claims 8 and 9 depend, is distinguished above as being patentable over the combination of Ravenscroft et al. and Whitcher et al. Sabbaghian et al. are not believed to remedy the noted shortcomings of Ravenscroft et al. and Whitcher et al., and thus claim 1 (and hence claims 8 and 9 depending therefrom) is patentable over all three references. Favorable reconsideration is respectfully requested.

Applicant respectfully traverses the Examiner's rejection of claims 16, 17, 20, 21 and 25 under 35 U.S.C. § 103(a) as unpatentable over Ravenscroft et al. (U.S. Patent No. 6,007,558) in view of Sabbaghian et al. (U.S. Patent No. 5,147,379). One of the requirements of a *prima facie* obviousness rejection is that the cited combination must disclose each and every claimed element. At a minimum, this requirement has not been met. Applicant does not concede that the other requirements, i.e., motivation to combine and reasonable expectation of success, have been met.

In particular, the Examiner relies upon Sabbaghian et al. to provide the retrieval apparatus that is missing from Ravenscroft et al. The Examiner has stated (see paragraph 23 of the Action) that the middle member (9) of Sabbaghian et al. "can be interpreted as tubular because it functions to center to filter along the longitudinal axis of the vessel, thereby making the filter and vessel coaxial...". This is irrelevant.

One of even ordinary skill in the art, particularly if they have read and understood the instant application and drawings, will readily appreciate what is intended and meant by the claimed language of "a middle tubular member". One of skill in the art will recognize and understand that a tubular member is a tube. The Examiner's interpretation of this term in attempting to maintain the present rejection is repugnant to the ordinary meaning of this term. Thus, Sabbaghian et al. cannot be considered as disclosing the retrieval apparatus missing from Ravenscroft et al. For at least this reason, the *prima facie* obviousness rejection is flawed and should be withdrawn. Favorable reconsideration is respectfully requested.

Applicant respectfully traverses the Examiner's rejection of claim 19 under 35 U.S.C. § 103(a) as unpatentable over Ravenscroft et al. (U.S. Patent No. 6,007,558) in view of Sabbaghian et al. (U.S. Patent No. 5,147,379) and further in view of Whitcher et al. (U.S. Patent No. 6,273,901). Claim 16, from which claim 19 depends, is distinguished above as being patentable over the combination of Ravenscroft et al. and Sabbaghian et al. Whitcher et al. are not believed to remedy the noted shortcomings of Ravenscroft et al. and Sabbaghian et al., and thus claim 16

(and hence claim 19 depending therefrom) is patentable over all three references. Favorable reconsideration is respectfully requested.

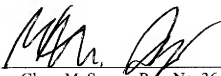
Applicant respectfully traverses the Examiner's rejection of claim 24 under 35 U.S.C. § 103(a) as unpatentable over Ravenscroft et al. (U.S. Patent No. 6,007,558) in view of Sabbaghian et al. (U.S. Patent No. 5,147,379) and further in view of Hebert et al. (U.S. Patent No. 6,482,221). Claim 16, from which claim 24 depends, is distinguished above as being patentable over the combination of Ravenscroft et al. and Sabbaghian et al. Hebert et al. are not believed to remedy the noted shortcomings of Ravenscroft et al. and Sabbaghian et al., and thus claim 16 (and hence claim 24 depending therefrom) is patentable over all three references. Favorable reconsideration is respectfully requested.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that the claims are now in condition for allowance, issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,
SCOTT PETERSEN

By their attorney,

Date: Feb 6, 2008


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